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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,305	09/28/2001	Jennifer Richardson	07334-312001 / MPI2000-31	5199

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EXAMINER
DAVIS, MINH TAM B

ART UNIT	PAPER NUMBER
1642	9

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _1_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _23 December 2002_ .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-58_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) _1-58_ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.   Claim 1, drawn to a method for determining whether an individual is at risk for prostate cancer, comprising measuring the protein expression of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO:2, classified in class 435, subclass 7.1.

II.   Claim 1, drawn to a method for determining whether an individual is at risk for prostate cancer, comprising measuring the protein expression of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO:5, classified in class 435, subclass 7.1.

III.   Claim 1, drawn to a method for determining whether an individual is at risk for prostate cancer, comprising measuring the protein expression of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO:7, classified in class 435, subclass 7.1.

IV.   Claim 1, drawn to a method for determining whether an individual is at risk for prostate cancer, comprising measuring the protein expression of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO:9, classified in class 435, subclass 7.1.

V.   Claim 1, drawn to a method for determining whether an individual is at risk for prostate cancer, comprising measuring the protein expression of the alpha-

methylacyl-CoA racemase polypeptide of SEQ ID NO:11, classified in class 435, subclass 7.1.

VI.   Claims 1, 7-8, drawn to a method for determining whether an individual is at risk for prostate cancer, comprising measuring the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO:1 or 3, classified in class 435, subclass 6.

VII.   Claims 1, 7-8, drawn to a method for determining whether an individual is at risk for prostate cancer, comprising measuring the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 4, classified in class 435, subclass 6.

VIII.   Claims 1, 7-8, drawn to a method for determining whether an individual is at risk for prostate cancer, comprising measuring the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO:6, classified in class 435, subclass 6.

IX.   Claims 1, 7-8, drawn to a method for determining whether an individual is at risk for prostate cancer, comprising measuring the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 8, classified in class 435, subclass 6.

X.   Claims 1, 7-8, drawn to a method for determining whether an individual is at risk for prostate cancer, comprising measuring the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO:10, classified in class 435, subclass 6.

XI.   Claims 2, 9-10, drawn to a method for determining whether an individual is

at risk for prostate cancer, comprising measuring the activity of the alpha-methylacyl-

CoA racemase polypeptide of SEQ ID NO:2, classified in class 435, subclass 7.1.

XII.   Claims 2, 9-10, drawn to a method for determining whether an individual is

at risk for prostate cancer, comprising measuring the activity of the alpha-methylacyl-

CoA racemase polypeptide of SEQ ID NO:5, classified in class 435, subclass 7.1.

XIII.   Claims 2, 9-10, drawn to a method for determining whether an individual is

at risk for prostate cancer, comprising measuring the activity of the alpha-methylacyl-

CoA racemase polypeptide of SEQ ID NO:7, classified in class 435, subclass 7.1.

XIV.   Claims 2, 9-10, drawn to a method for determining whether an individual is

at risk for prostate cancer, comprising measuring the activity of the alpha-methylacyl-

CoA racemase polypeptide of SEQ ID NO:9, classified in class 435, subclass 7.1.

XV.   Claims 2, 9-10, drawn to a method for determining whether an individual is

at risk for prostate cancer, comprising measuring the activity of the alpha-methylacyl-

CoA racemase polypeptide of SEQ ID NO:11, classified in class 435, subclass 7.1.

XVI.   Claims 3, 5, drawn to a method for determining whether an individual is at

risk for metastatic prostate cancer to the liver or the lymph nodes, comprising

measuring the protein expression of the alpha-methylacyl-CoA racemase polypeptide of

SEQ ID NO:2, classified in class 435, subclass 7.1.

XVII.   Claims 3, 5, drawn to a method for determining whether an individual is at

risk for metastatic prostate cancer to the liver or the lymph nodes, comprising

measuring the protein expression of the alpha-methylacyl-CoA racemase polypeptide of

SEQ ID NO:5, classified in class 435, subclass 7.1.

XVIII.   Claims 3, 5, drawn to a method for determining whether an individual is at

risk for metastatic prostate cancer to the liver or the lymph nodes, comprising

measuring the protein expression of the alpha-methylacyl-CoA racemase polypeptide of

SEQ ID NO:7, classified in class 435, subclass 7.1.

XIX.   Claims 3, 5, drawn to a method for determining whether an individual is at

risk for metastatic prostate cancer to the liver or the lymph nodes, comprising

measuring the protein expression of the alpha-methylacyl-CoA racemase polypeptide of

SEQ ID NO:9, classified in class 435, subclass 7.1.

XX.   Claims 3, 5, drawn to a method for determining whether an individual is at

risk for metastatic prostate cancer to the liver or the lymph nodes, comprising

measuring the protein expression of the alpha-methylacyl-CoA racemase polypeptide of

SEQ ID NO:11, classified in class 435, subclass 7.1.

XXI.   Claims 3, 5, 7-8, drawn to a method for determining whether an individual

is at risk for metastatic prostate cancer to the liver or the lymph nodes, comprising

measuring the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide

of SEQ ID NO:1 or 3, classified in class 435, subclass 6.

XXII.   Claims 3, 5, 7-8, drawn to a method for determining whether an individual

is at risk for metastatic prostate cancer to the liver or the lymph nodes, comprising

measuring the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide

of SEQ ID NO: 4, classified in class 435, subclass 6.

XXIII. Claims 3, 5, 7-8, drawn to a method for determining whether an individual is at risk for metastatic prostate cancer to the liver or the lymph nodes, comprising measuring the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO:6, classified in class 435, subclass 6.

XXIV. Claims 3, 5, 7-8, drawn to a method for determining whether an individual is at risk for metastatic prostate cancer to the liver or the lymph nodes, comprising measuring the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 8, classified in class 435, subclass 6.

XXV. Claims 3, 5, 7-8, drawn to a method for determining whether an individual is at risk for metastatic prostate cancer to the liver or the lymph nodes, comprising measuring the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO:10, classified in class 435, subclass 6.

XXVI. Claims 4, 6, 9-10, drawn to a method for determining whether an individual is at risk for metastatic prostate cancer, comprising measuring the activity of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO:2, classified in class 435, subclass 7.1.

XXVII. Claims 4, 6, 9-10, drawn to a method for determining whether an individual is at risk for metastatic prostate cancer, comprising measuring the activity of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO:5, classified in class 435, subclass 7.1.

XXVIII. Claims 4, 6, 9-10, drawn to a method for determining whether an individual is at risk for metastatic prostate cancer, comprising measuring the activity of

the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO:7, classified in class

435, subclass 7.1.

XXIX. Claims 4, 6, 9-10, drawn to a method for determining whether an

individual is at risk for metastatic prostate cancer, comprising measuring the activity of

the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO:9, classified in class

435, subclass 7.1.

XXX. Claims 4, 6, 9-10, drawn to a method for determining whether an

individual is at risk for metastatic prostate cancer, comprising measuring the activity of

the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO:11, classified in class

435, subclass 7.1.

XXXI. Claims 11-15, 42-44, drawn to a method for detecting prostate cancer,

comprising detecting measuring the mRNA expression of the alpha-methylacyl-CoA

racemase polynucleotide of SEQ ID NO:1 or 3, classified in class 435, subclass 6.

XXXII. Claims 11-15, 42-44, drawn to a method for detecting prostate cancer,

comprising measuring the mRNA expression of the alpha-methylacyl-CoA racemase

polynucleotide of SEQ ID NO: 4, classified in class 435, subclass 6.

XXXII. Claims 11-15, 42-44, drawn to a method for detecting prostate cancer,

comprising measuring the mRNA expression of the alpha-methylacyl-CoA racemase

polynucleotide of SEQ ID NO:6, classified in class 435, subclass 6.

XXXIII. Claims 11-15, 42-44, drawn to a method for detecting prostate cancer,

comprising measuring the mRNA expression of the alpha-methylacyl-CoA racemase

polynucleotide of SEQ ID NO: 8, classified in class 435, subclass 6.

XXXIV. Claims 11-15, 42-44, drawn to a method for detecting prostate cancer,

comprising measuring the mRNA expression of the alpha-methylacyl-CoA racemase

polynucleotide of SEQ ID NO:10, classified in class 435, subclass 6.

XXXV. Claims 16-25, 42-44, drawn to a method for detecting metastatic prostate

cancer, comprising detecting measuring the amount of mRNA of the alpha-methylacyl-

CoA racemase polynucleotide of SEQ ID NO:1 or 3, classified in class 435, subclass 6.

XXXVI. Claims 16-25, 42-44, drawn to a method for detecting metastatic

prostate cancer, comprising measuring the amount of mRNA of the alpha-methylacyl-

CoA racemase polynucleotide of SEQ ID NO: 4, classified in class 435, subclass 6.

XXXVII. Claims 16-25, 42-44, drawn to a method for detecting metastatic

prostate cancer, comprising measuring the amount of mRNA of the alpha-methylacyl-

CoA racemase polynucleotide of SEQ ID NO:6, classified in class 435, subclass 6.

XXXVIII. Claims 16-25, 42-44, drawn to a method for detecting metastatic

prostate cancer, comprising measuring the amount of mRNA of the alpha-methylacyl-

CoA racemase polynucleotide of SEQ ID NO: 8, classified in class 435, subclass 6.

XXXIX. Claims 16-25, 42-44, drawn to a method for detecting metastatic

prostate cancer, comprising measuring the amount of mRNA of the alpha-methylacyl-

CoA racemase polynucleotide of SEQ ID NO:10, classified in class 435, subclass 6.

XXXX. Claims 26-32, 44-50, drawn to a method of detecting prostate cancer,

comprising measuring the amount of protein of the alpha-methylacyl-CoA racemase

polypeptide of SEQ ID NO:2, classified in class 435, subclass 7.1.

XXXXI. Claims 26-32, 44-50, drawn to a method of detecting prostate cancer, comprising measuring the amount of protein of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO:5, classified in class 435, subclass 7.1.

XXXXII. Claims 26-32, 44-50, drawn to a method of detecting prostate cancer, comprising measuring the amount of protein of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO:7, classified in class 435, subclass 7.1.

XXXXIII. Claims 26-32, 44-50, drawn to a method of detecting prostate cancer, comprising measuring the amount of protein of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO:9, classified in class 435, subclass 7.1.

XXXXIV. Claims 26-32, 44-50, drawn to a method of detecting prostate cancer, comprising measuring the amount of protein of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO:11, classified in class 435, subclass 7.1.

XXXXV. Claims 33-34, drawn to a method for identifying compounds that for the treatment of prostate cancer, comprising measuring a decrease in the level of mRNA of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 1 or 3 in the presence said compounds, classified in class 435, subclass 6.

XXXXVI. Claims 33-34, drawn to a method for identifying compounds that for the treatment of prostate cancer, comprising measuring a decrease in the level of mRNA of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 4 in the presence said compounds, classified in class 435, subclass 6.

XXXXVII. Claims 33-34, drawn to a method for identifying compounds that for the treatment of prostate cancer, comprising measuring a decrease in the level of

mRNA of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 6 in the

presence said compounds, classified in class 435, subclass 6.

XXXXVIII. Claims 33-34, drawn to a method for identifying compounds that for

the treatment of prostate cancer, comprising measuring a decrease in the level of

mRNA of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 8 in the

presence said compounds, classified in class 435, subclass 6.

XXXXIX. Claims 33-34, drawn to a method for identifying compounds that for

the treatment of prostate cancer, comprising measuring a decrease in the level of

mRNA of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 10 in the

presence said compounds, classified in class 435, subclass 6.

XXXXX. Claims 35-41, drawn to a method for identifying compounds that for the

treatment of prostate cancer, comprising measuring a decrease in the protein level of

of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 2 in the presence

said compounds, classified in class 435, subclass 7.1.

XXXXXI. Claims 35-41, drawn to a method for identifying compounds that for the

treatment of prostate cancer, comprising measuring a decrease in the protein level of

of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 5 in the presence

said compounds, classified in class 435, subclass 7.1.

XXXXXII. Claims 35-41, drawn to a method for identifying compounds that for

the treatment of prostate cancer, comprising measuring a decrease in the protein level

of of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 7 in the presence

said compounds, classified in class 435, subclass 7.1.

XXXXXIII. Claims 35-41, drawn to a method for identifying compounds that for the treatment of prostate cancer, comprising measuring a decrease in the protein level of of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 9 in the presence said compounds, classified in class 435, subclass 7.1.

XXXXXIV. Claims 35-41, drawn to a method for identifying compounds that for the treatment of prostate cancer, comprising measuring a decrease in the protein level of of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 11 in the presence said compounds, classified in class 435, subclass 7.1.

XXXXXV. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the protein expression of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 2, classified in class 514, subclass 2.

XXXXXVI. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the protein expression of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 5, classified in class 514, subclass 2.

XXXXXVII. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the protein expression of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 7, classified in class 514, subclass 2.

XXXXXVIII. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the protein expression of the

alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 9, classified in class 514, subclass 2.

XXXXXIX. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the protein expression of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO:, classified in class 514, subclass 2.

XXXXXX. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 1 or 3, classified in class 514, subclass 2.

XXXXXXI. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 4, classified in class 514, subclass 2.

XXXXXXII. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 6, classified in class 514, subclass 2.

XXXXXXIII. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 8, classified in class 514, subclass 2.

XXXXXXIV. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the mRNA expression of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 10, classified in class 514, subclass 2.

XXXXXXV. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the activity of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 2, classified in class 514, subclass 2.

XXXXXXVI. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the activity of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 5, classified in class 514, subclass 2.

XXXXXXVII. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the activity of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 7, classified in class 514, subclass 2.

XXXXXXVIII. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the activity of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 9, classified in class 514, subclass 2.

XXXXXXIX. Claim 51, drawn to a method for treating prostate cancer, comprising administering a compound that increases the activity of the alpha-

methylacyl-CoA racemase polypeptide of SEQ ID NO: 11, classified in class 514,

subclass 2.

XXXXXXX. Claims 52-53, drawn to a method for identifying compounds for the

treatment of prostate cancer, comprising measuring a decrease in the activity of mRNA

of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 1 or 3 in the

presence said compounds, classified in class 435, subclass 6.

XXXXXXXI. Claims 52-53, drawn to a method for identifying compounds for the

treatment of prostate cancer, comprising measuring a decrease in the activity of mRNA

of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 4 in the presence

said compounds, classified in class 435, subclass 6.

XXXXXXXII. Claims 52-53, drawn to a method for identifying compounds for the

treatment of prostate cancer, comprising measuring a decrease in the activity of mRNA

of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 6 in the presence

said compounds, classified in class 435, subclass 6.

XXXXXXXIII. Claims 52-53, drawn to a method for identifying compounds for the

treatment of prostate cancer, comprising measuring a decrease in the activity of mRNA

of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 8 in the presence

said compounds, classified in class 435, subclass 6.

XXXXXXXIV. Claims 52-53, drawn to a method for identifying compounds for the

treatment of prostate cancer, comprising measuring a decrease in the activity of mRNA

of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 10 in the

presence said compounds, classified in class 435, subclass 6.

XXXXXXXV-XXXXXXXIX. Claims 54-55, drawn to a nucleic acid molecule of SEQ ID No: 1, 3, 4, 6, 8 or 10, classified in class 536, subclass 23.1. Each nucleic acid molecule of SEQ ID Nos: (1, 3), 4, 6, 8 and 10 constitutes a single invention.

XXXXXXXX-XXXXXXXXIV. Claims 56, drawn to a polypeptide of SEQ ID No: 2, 5, 7, 9 or 11, classified in class 530, subclass 350. Each polypeptide constitutes a single invention.

XXXXXXXXV. Claim 57, drawn to a method for treating prostate cancer, or metastatic prostate cancer, comprising administering a compound that reduces the level of mRNA of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO:1 or 3 and the proliferation of the cells, classified in class 514, subclass 44.

XXXXXXXXVI. Claim 57, drawn to a method for treating prostate cancer, or metastatic prostate cancer, comprising administering a compound that reduces the level of mRNA of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO:4 and the proliferation of the cancer cells, classified in class 514, subclass 44.

XXXXXXXXVII. Claim 57, drawn to a method for treating prostate cancer, or metastatic prostate cancer, comprising administering a compound that reduces the level of mRNA of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 6 and the proliferation of the cancer cells, classified in class 514, subclass 44.

XXXXXXXXVIII. Claim 57, drawn to a method for treating prostate cancer, or metastatic prostate cancer, comprising administering a compound that reduces the level of mRNA of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 8 and the proliferation of the cancer cells, classified in class 514, subclass 44.

XXXXXXXXIX. Claim 57, drawn to a method for treating prostate cancer, or metastatic prostate cancer, comprising administering a compound that reduces the level of mRNA of the alpha-methylacyl-CoA racemase polynucleotide of SEQ ID NO: 10 and the proliferation of the cancer cells, classified in class 514, subclass 44.

XXXXXXXXX. Claim 57, drawn to a method for treating prostate cancer, or metastatic prostate cancer, comprising administering a compound that reduces the protein level of mRNA of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 2 and the proliferation of the cancer cells, classified in class 514, subclass 2.

XXXXXXXXXI. Claim 57, drawn to a method for treating prostate cancer, or metastatic prostate cancer, comprising administering a compound that reduces the protein level of mRNA of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 5 and the proliferation of the cancer cells, classified in class 514, subclass 2.

XXXXXXXXXII. Claim 57, drawn to a method for treating prostate cancer, or metastatic prostate cancer, comprising administering a compound that reduces the protein level of mRNA of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 7 and the proliferation of the cancer cells, classified in class 514, subclass 2.

XXXXXXXXXIII. Claim 57, drawn to a method for treating prostate cancer, or metastatic prostate cancer, comprising administering a compound that reduces the protein level of mRNA of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID NO: 9 and the proliferation of the cancer cells, classified in class 514, subclass 2.

XXXXXXXXXIV. Claim 57, drawn to a method for treating prostate cancer, or metastatic prostate cancer, comprising administering a compound that reduces the

protein level of mRNA of the alpha-methylacyl-CoA racemase polypeptide of SEQ ID

NO: 11 and the proliferation of the cancer cells, classified in class 514, subclass 2.

The inventions are distinct, each from each other because of the following reasons:

Inventions (XXXXXXXV-XXXXXXXXIV) and (I-XXXXXXXIV, XXXXXXXXV-

XXXXXXXXXIV) are related as product and process of use. The inventions can be

shown to be distinct if either or both of the following can be shown: (1) the process for

using the product as claimed can be practiced with another materially different product

or (2) the product as claimed can be used in a materially different process of using that

product (M.P.E.P. 806.05 (h). In this instant case, a polypeptide could be used for

several purposes, e.g. for biochemical assay, for making antibodies, and for making an

affinity column to purify its antibodies; and a DNA sequence could be used for the

detection of similar DNA or RNA sequences, for making an expression vector, and for

producing its encoded protein.

The products of groups XXXXXXXV-XXXXXXXXIV are patentably distinct,

because they are drawn to entirely different biochemicals , having different structures.

The methods of groups I-XXXXXXXIV, XXXXXXXXV-XXXXXXXXXIV are distinct

from each other because they differ at least in objectives, method steps, reagents

and/or dosages, and/or schedules used, response variables and criteria for success.

Because these inventions are distinct for the reason given above and have

acquired a separate status in the art, and further, because the searches for the groups

are not co-extensive, and therefore, it would be a serious burden for the Examiner to

examine all the groups and species together, restriction for examination purposes as indicated is proper.

Applicants are required under 35 USC 121 to elect a single disclosed group for prosecution on the merits to which the claims shall be restricted.

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendement of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. 1.48(b) and by the fee required under 37 C.F.R. 1.17(h).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-TAM DAVIS whose telephone number is 703-305-2008. The examiner can normally be reached on 9:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANTHONY CAPUTA can be reached on 703-308-3995. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.
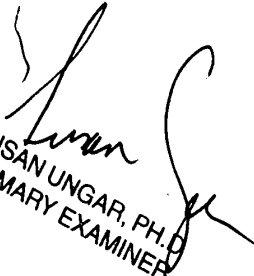
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0916.

MINH TAM DAVIS

January 11/2003

SUSAN UNGAR, PH.D
PRIMARY EXAMINER